



General Assembly

February Session, 2010

***Raised Bill No. 5428***

LCO No. 1762

\*01762\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING THE POWERS AND DUTIES OF THE STATE ELECTIONS ENFORCEMENT COMMISSION, THE INTEGRITY OF ELECTIONS AND REVISIONS TO THE CITIZENS' ELECTION PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 9-7b of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2010*):

4 (a) The State Elections Enforcement Commission shall have the  
5 following duties and powers:

6 (1) To make investigations on its own initiative or with respect to  
7 statements filed with the commission by the Secretary of the State, [or]  
8 any registrar of voters or any town clerk, or upon written complaint  
9 under oath by any individual, with respect to alleged violations of any  
10 provision of the general statutes or regulations relating to any election  
11 or referendum, any primary held pursuant to section 9-423, 9-425 or 9-  
12 464 or any primary held pursuant to a special act, and to hold hearings  
13 when the commission deems necessary to investigate violations of any

14 provisions of the general statutes or regulations relating to any such  
15 election, primary or referendum, and for the purpose of such hearings  
16 the commission may administer oaths, examine witnesses and receive  
17 oral and documentary evidence, and shall have the power to subpoena  
18 witnesses under procedural rules the commission shall adopt, to  
19 compel their attendance and to require the production for examination  
20 of any [books and papers] records, documents or information in any  
21 format which the commission deems relevant to any matter under  
22 investigation or in question. In connection with its investigation of any  
23 alleged violation of any provision of chapter 145, or of any provision of  
24 section 9-359 or section 9-359a, the commission shall also have the  
25 power to subpoena any municipal clerk and to require the production  
26 for examination of any absentee ballot, inner and outer envelope from  
27 which any such ballot has been removed, depository envelope  
28 containing any such ballot or inner or outer envelope as provided in  
29 sections 9-150a and 9-150b and any other record, form or document as  
30 provided in section 9-150b, in connection with the election, primary or  
31 referendum to which the investigation relates. In case of a refusal to  
32 comply with any subpoena issued pursuant to this subsection or to  
33 testify with respect to any matter upon which that person may be  
34 lawfully interrogated, the superior court for the judicial district of  
35 Hartford, on application of the commission, may issue an order  
36 requiring such person to comply with such subpoena and to testify;  
37 failure to obey any such order of the court may be punished by the  
38 court as a contempt thereof. In any matter under investigation which  
39 concerns the operation or inspection of or outcome recorded on any  
40 voting [machine] tabulator, ballot or memory card and any  
41 components or processes utilized to program any such memory card,  
42 the commission may issue an order to the municipal clerk, the  
43 registrars of voters or any local official or company that maintains  
44 custody of such voting tabulator, ballot, memory card or programming  
45 components or processes to impound such [machine] tabulator, ballot,  
46 memory card or programming components and processes until the  
47 investigation is completed;

48 (2) To levy a civil penalty not to exceed (A) two thousand dollars  
 49 per offense against any person the commission finds to be in violation  
 50 of any provision of chapter 145, part V of chapter 146, part I of chapter  
 51 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,  
 52 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,  
 53 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-  
 54 40a, 9-42, 9-43, 9-50a, 9-50b, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-  
 55 232i to 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412,  
 56 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k, [or] 9-453o, or any  
 57 regulation adopted pursuant to any said chapter or section, (B) two  
 58 thousand dollars per offense against any town clerk, registrar of  
 59 voters, an appointee or designee of a town clerk or registrar of voters,  
 60 or any other election or primary official whom the commission finds to  
 61 have failed to discharge a duty imposed by any provision of chapter  
 62 146 or 147 or any regulation adopted pursuant to either said chapter,  
 63 (C) two thousand dollars per offense against any person the  
 64 commission finds to have (i) improperly voted in any election, primary  
 65 or referendum, and (ii) not been legally qualified to vote in such  
 66 election, primary or referendum, [or] (D) two thousand dollars per  
 67 offense or twice the amount of any improper payment or contribution,  
 68 whichever is greater, against any person the commission finds to be in  
 69 violation of any provision of chapter 155, 156 or 157 or any regulation  
 70 adopted pursuant to any said chapter, (E) two thousand dollars per  
 71 offense against any person the commission finds to be in violation of  
 72 the Help America Vote Act, P.L. 107-252, as amended from time to  
 73 time, or (F) two thousand dollars per offense against any person the  
 74 commission finds to be in violation of any order of the commission.  
 75 The commission may levy a civil penalty against any person under  
 76 subparagraph (A), (B), (C), [or] (D), (E) or (F) of this subdivision only  
 77 after giving the person an opportunity to be heard at a hearing  
 78 conducted in accordance with sections 4-176e to 4-184, inclusive. In the  
 79 case of failure to pay any such penalty levied pursuant to this  
 80 subsection within thirty days of written notice sent by certified or  
 81 registered mail to such person, the superior court for the judicial

82 district of Hartford, on application of the commission, may issue an  
83 order requiring such person to pay the penalty imposed and such  
84 court costs, state marshal's fees and attorney's fees incurred by the  
85 commission as the court may determine. Any civil penalties paid,  
86 collected or recovered under subparagraph (D) of this subdivision for  
87 a violation of any provision of chapter 155 applying to the office of the  
88 Treasurer shall be deposited on a pro rata basis in any trust funds, as  
89 defined in section 3-13c, affected by such violation;

90 (3) (A) To issue an order requiring any person the commission finds  
91 to have received any contribution or payment which is prohibited by  
92 any of the provisions of chapter 155 or 157 or any regulation adopted  
93 pursuant to either said chapter, after an opportunity to be heard at a  
94 hearing conducted in accordance with the provisions of sections 4-176e  
95 to 4-184, inclusive, to return such contribution or payment to the donor  
96 or payor, or to remit such contribution or payment to the state for  
97 deposit in the General Fund or the Citizens' Election Fund, whichever  
98 is deemed necessary to effectuate the purposes of chapter 155 or 157, as  
99 the case may be;

100 (B) To issue an order when the commission finds that an intentional  
101 violation of any provision of chapter 155, 156 or 157 or any regulation  
102 adopted pursuant to any said chapter, has been committed, after an  
103 opportunity to be heard at a hearing conducted in accordance with  
104 sections 4-176e to 4-184, inclusive, which order may contain one or  
105 more of the following sanctions: (i) Removal of a campaign treasurer,  
106 deputy campaign treasurer or solicitor; (ii) prohibition on serving as a  
107 campaign treasurer, deputy campaign treasurer or solicitor, for a  
108 period not to exceed four years; and (iii) in the case of a party  
109 committee or a political committee, suspension of all political  
110 activities, including, but not limited to, the receipt of contributions and  
111 the making of expenditures, provided the commission may not order  
112 such a suspension unless the commission has previously ordered the  
113 removal of the campaign treasurer and notifies the officers of the  
114 committee that the commission is considering such suspension;

115 (C) To issue an order revoking any person's eligibility to be  
116 appointed or serve as an election, primary or referendum official or  
117 unofficial checker or in any capacity at the polls on the day of an  
118 election, primary or referendum, when the commission finds such  
119 person has intentionally violated any provision of the general statutes  
120 or regulations relating to the conduct of an election, primary or  
121 referendum, after an opportunity to be heard at a hearing conducted in  
122 accordance with sections 4-176e to 4-184, inclusive;

123 (D) To issue an order to enforce the provisions of the Help America  
124 Vote Act, P.L. 107-252, as amended from time to time, as the  
125 commission deems appropriate;

126 (E) To issue an order following the commission's determination of  
127 the right of an individual to be or remain an elector when such  
128 determination is made (i) pursuant to an appeal taken to the  
129 commission from a decision of the registrars of voters or board of  
130 admission of electors under section 9-31l, or (ii) following the  
131 commission's investigation pursuant to subdivision (1) of this  
132 subsection;

133 (F) To issue a cease and desist order for violation of any general  
134 statute or regulation under the commission's jurisdiction and to take  
135 reasonable actions necessary to compel compliance with such statute  
136 or regulation;

137 (4) To issue an order to a candidate committee that receives moneys  
138 from the Citizens' Election Fund pursuant to chapter 157, to comply  
139 with the provisions of chapter 157 or any regulation adopted pursuant  
140 to said chapter, after an opportunity to be heard at a hearing  
141 conducted in accordance with the provisions of sections 4-176e to 4-  
142 184, inclusive;

143 (5) To apply to the superior court for the judicial district of Hartford  
144 for an order requiring any person the commission finds to be in  
145 violation of any order issued by the commission in accordance with

146 this section to comply with such order. The commission may apply to  
147 the superior court for such an order only after giving such person an  
148 opportunity to be heard at a hearing conducted in accordance with  
149 sections 4-176e to 4-184, inclusive. The superior court for the judicial  
150 district of Hartford, on application of the commission, may issue an  
151 order requiring such person to comply with such order of the  
152 commission;

153     ~~[(5)]~~ (6) To inspect or audit at any reasonable time and upon  
154 reasonable notice the accounts or records of any campaign treasurer or  
155 principal campaign treasurer, as required by chapter 155 or 157 and to  
156 audit any such election, primary or referendum held within the state;  
157 provided, (A) (i) not later than two months preceding the day of an  
158 election at which a candidate is seeking election, the commission shall  
159 complete any audit it has initiated in the absence of a complaint that  
160 involves a committee of the same candidate from a previous election,  
161 and (ii) during the two-month period preceding the day of an election  
162 at which a candidate is seeking election, the commission shall not  
163 initiate an audit in the absence of a complaint that involves a  
164 committee of the same candidate from a previous election, and (B) the  
165 commission shall not audit any caucus, as defined in subdivision (1) of  
166 section 9-372;

167     ~~[(6)]~~ (7) To attempt to secure voluntary compliance, by informal  
168 methods of conference, conciliation and persuasion, with any  
169 provision of chapter 149, 151 to 153, inclusive, 155, 156 or 157 or any  
170 other provision of the general statutes or regulations relating to any  
171 such election, primary or referendum;

172     ~~[(7)]~~ (8) To consult with the Secretary of the State, the Chief State's  
173 Attorney or the Attorney General on any matter which the commission  
174 deems appropriate;

175     ~~[(8)]~~ (9) To refer to the Chief State's Attorney evidence bearing upon  
176 violation of any provision of chapter 149, 151 to 153, inclusive, 155, 156  
177 or 157 or any other provision of the general statutes or regulations

178     pertaining to or relating to any such election, primary or referendum;

179         [(9)] (10) To refer to the Attorney General evidence for injunctive  
180 relief and any other ancillary equitable relief in the circumstances of  
181 subdivision [(8)] (9) of this subsection. Nothing in this subdivision  
182 shall preclude a person who claims that he is aggrieved by a violation  
183 of any provision of chapter 152 or any other provision of the general  
184 statutes relating to referenda from pursuing injunctive and any other  
185 ancillary equitable relief directly from the Superior Court by the filing  
186 of a complaint;

187         [(10)] (11) To refer to the Attorney General evidence pertaining to  
188 any ruling which the commission finds to be in error made by election  
189 officials in connection with any election, primary or referendum. Those  
190 remedies and procedures available to parties claiming to be aggrieved  
191 under the provisions of sections 9-323, 9-324, 9-328, [and] 9-329a and 9-  
192 371b shall apply to any complaint brought by the Attorney General as  
193 a result of the provisions of this subdivision;

194         [(11)] (12) To consult with the United States Department of Justice  
195 and the United States Attorney for Connecticut on any investigation  
196 pertaining to a violation of this section, section 9-12, subsection (a) of  
197 section 9-17 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a,  
198 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-  
199 35c, 9-40a, 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department  
200 and attorney evidence bearing upon any such violation for prosecution  
201 under the provisions of the National Voter Registration Act of 1993,  
202 P.L. 103-31, as amended from time to time;

203         [(12)] (13) To inspect reports filed with town clerks pursuant to  
204 chapter 155 and refer to the Chief State's Attorney evidence bearing  
205 upon any violation of law therein if such violation was committed  
206 knowingly and wilfully;

207         [(13)] (14) To intervene in any action brought pursuant to the  
208 provisions of sections 9-323, 9-324, 9-328 and 9-329a upon application

209 to the court in which such action is brought when in the opinion of the  
210 court it is necessary to preserve evidence of possible criminal violation  
211 of the election laws;

212 [(14)] (15) To adopt and publish regulations pursuant to chapter 54  
213 to carry out the provisions of section 9-7a, this section, and chapters  
214 155, 156 and 157; to issue upon request and publish advisory opinions  
215 in the Connecticut Law Journal upon the requirements of chapters 155,  
216 156 and 157, and to make recommendations to the General Assembly  
217 concerning suggested revisions of the election laws;

218 [(15)] (16) To the extent that the Elections Enforcement Commission  
219 is involved in the investigation of alleged or suspected criminal  
220 violations of any provision of the general statutes pertaining to or  
221 relating to any such election, primary or referendum and is engaged in  
222 such investigation for the purpose of presenting evidence to the Chief  
223 State's Attorney, the Elections Enforcement Commission shall be  
224 deemed a law enforcement agency for purposes of subdivision (3) of  
225 subsection (b) of section 1-210, provided nothing in this section shall be  
226 construed to exempt the Elections Enforcement Commission in any  
227 other respect from the requirements of the Freedom of Information  
228 Act, as defined in section 1-200;

229 [(16)] (17) To enter into such contractual agreements as may be  
230 necessary for the discharge of its duties, within the limits of its  
231 appropriated funds and in accordance with established procedures;

232 [(17)] (18) To provide the Secretary of the State with notice and  
233 copies of all decisions rendered by the commission in contested cases,  
234 advisory opinions and declaratory judgments, at the time such  
235 decisions, judgments and opinions are made or issued;

236 [(18)] (19) To receive and determine complaints filed under the Help  
237 America Vote Act, P.L. 107-252, as amended from time to time, by any  
238 person who believes there is a violation of any provision of Title III of  
239 P.L. 107-252, as amended. Any complaint filed under this subdivision



240 shall be in writing, notarized and signed and sworn by the person  
241 filing the complaint. At the request of the complainant, there shall be a  
242 hearing on the record, conducted in accordance with sections 4-167e to  
243 4-184, inclusive. The commission shall make a final determination with  
244 respect to a complaint prior to the expiration of the ninety-day period  
245 beginning on the date the complaint is filed, unless the complainant  
246 consents to a longer period for making such determination. If the  
247 commission fails to meet the applicable deadline under this  
248 subdivision with respect to a complaint, the commission shall resolve  
249 the complaint within sixty days after the expiration of such ninety-day  
250 period under an alternative dispute resolution procedure established  
251 by the commission.

252 Sec. 2. Section 9-236b of the general statutes is repealed and the  
253 following is substituted in lieu thereof (*Effective July 1, 2010*):

254 (a) The Secretary of the State shall provide each municipality with  
255 sufficient quantities of a poster size copy, at least eighteen by twenty-  
256 four inches, of a Voter's Bill of Rights, which shall be posted  
257 conspicuously at each polling place. The text of the Voter's Bill of  
258 Rights shall be:

259 "VOTER'S BILL OF RIGHTS

260 Every registered voter in this state has the right to:

- 261 (1) Inspect a sample ballot before voting;
- 262 (2) Receive instructions concerning how to operate voting  
263 equipment, on sample voting equipment before voting;
- 264 (3) Cast a ballot if the voter is in line when the polls are closing;
- 265 (4) Ask for and receive assistance in voting, including assistance in  
266 languages other than English where required by federal or state law;
- 267 (5) Vote free from coercion or intimidation by election officials or

268 any other person;

269 (6) Cast a ballot using voting equipment that accurately counts all  
270 votes;

271 (7) Vote by provisional ballot if the individual registered to vote and  
272 the individual's name is not on the voter list;

273 (8) Be informed of the process for restoring the individual's right to  
274 vote if the individual was incarcerated for a felony conviction; and

275 (9) Vote independently and in privacy at a polling place, regardless  
276 of physical disability.

277 If any of your rights have been violated, you have the right to file an  
278 official complaint with the State Elections Enforcement Commission at  
279 .... (toll-free telephone number) or the United States Department of  
280 Justice at .... (toll-free telephone number). In addition, before leaving  
281 the polling place you may notify the moderator of the violation."

282 (b) No person shall violate any right of a registered voter, as listed  
283 in subsection (a) of this section.

284 [(b)] (c) In any municipality or voting district where federal or state  
285 law requires ballots to be made available in a language or languages  
286 other than English, the Voter's Bill of Rights shall also be made  
287 available in such language or languages.

288 [(c)] (d) Sample ballots shall be made available at all polling places,  
289 and any voter shall be permitted to inspect a sample ballot before  
290 voting.

291 [(d)] (e) Any voter standing in line at a polling place at the time  
292 when polls are scheduled to close shall be permitted to vote.

293 [(e)] (f) For use at elections for federal office, the Secretary of the  
294 State shall prescribe and the municipal clerk shall provide for all  
295 polling places in the municipality: (1) Instructions on how to cast a

296 provisional ballot, (2) instructions for mail-in registrants and first-time  
297 voters who register to vote by mail on or after January 1, 2003, (3)  
298 general information concerning voting rights under federal and  
299 Connecticut laws, including information on the right of an individual  
300 to cast a provisional ballot and instructions on how to contact the  
301 appropriate officials if these rights are alleged to have been violated,  
302 and (4) general information on federal and state laws concerning  
303 prohibitions on acts of fraud and misrepresentation.

304 Sec. 3. Section 9-247 of the general statutes is repealed and the  
305 following is substituted in lieu thereof (*Effective July 1, 2010*):

306 The registrars of voters shall, before the day of the election, cause  
307 [the mechanic or mechanics to insert on each machine the ballot labels  
308 corresponding with the sample diagrams provided and to put each  
309 such machine] each voting system approved by the Secretary of the  
310 State for use in the election to be put in order in every way and set and  
311 adjust the same so that it shall be ready for use in voting when  
312 delivered at the polling place. Such registrars shall cause [the machine  
313 so labeled,] each such voting system to be in order and set and  
314 adjusted, to be delivered at the polling place, together with all  
315 necessary furniture and appliances that go with the same, at the room  
316 where the election is to be held, not later than [six o'clock in the  
317 afternoon of the day preceding] one hour prior to the opening of the  
318 polls on the day of the election. [Each voting machine shall be  
319 furnished with light sufficient to enable electors while voting to read  
320 the ballot labels and suitable for use by the election officials in  
321 examining the counters. A pencil shall also be provided, within each  
322 voting machine, for use in casting a write-in ballot.]

323 Sec. 4. Section 9-622 of the general statutes is repealed and the  
324 following is substituted in lieu thereof (*Effective July 1, 2010*):

325 The following persons shall be guilty of illegal practices and shall be  
326 punished in accordance with the provisions of section 9-623, as  
327 amended by this act:

328       (1) Any person who, directly or indirectly, individually or by  
329 another person, gives or offers or promises to any person any money,  
330 gift, advantage, preferment, entertainment, aid, emolument or other  
331 valuable thing for the purpose of inducing or procuring any person to  
332 sign a nominating, primary or referendum petition or to vote or refrain  
333 from voting for or against any person or for or against any measure at  
334 any election, caucus, convention, primary or referendum;

335       (2) Any person who, directly or indirectly, receives, accepts,  
336 requests or solicits from any person, committee, association,  
337 organization or corporation, any money, gift, advantage, preferment,  
338 aid, emolument or other valuable thing for the purpose of inducing or  
339 procuring any person to sign a nominating, primary or referendum  
340 petition or to vote or refrain from voting for or against any person or  
341 for or against any measure at any such election, caucus, primary or  
342 referendum;

343       (3) Any person who, in consideration of any money, gift, advantage,  
344 preferment, aid, emolument or other valuable thing paid, received,  
345 accepted or promised to the person's advantage or any other person's  
346 advantage, votes or refrains from voting for or against any person or  
347 for or against any measure at any such election, caucus, primary or  
348 referendum;

349       (4) Any person who solicits from any candidate any money, gift,  
350 contribution, emolument or other valuable thing for the purpose of  
351 using the same for the support, assistance, benefit or expenses of any  
352 club, company or organization, or for the purpose of defraying the cost  
353 or expenses of any political campaign, primary, referendum or  
354 election;

355       (5) Any person who, directly or indirectly, pays, gives, contributes  
356 or promises any money or other valuable thing to defray or towards  
357 defraying the cost or expenses of any campaign, primary, referendum  
358 or election to any person, committee, company, club, organization or  
359 association, other than to a campaign treasurer, except that this

360 subdivision shall not apply to any expenses for postage, telegrams,  
361 telephoning, stationery, express charges, traveling, meals, lodging or  
362 photocopying incurred by any candidate for office or for nomination to  
363 office, so far as may be permitted under the provisions of this chapter;

364 (6) Any person who, in order to secure or promote the person's own  
365 nomination or election as a candidate, or that of any other person,  
366 directly or indirectly, promises to appoint, or promises to secure or  
367 assist in securing the appointment, nomination or election of any other  
368 person to any public position, or to any position of honor, trust or  
369 emolument; but any person may publicly announce the person's own  
370 choice or purpose in relation to any appointment, nomination or  
371 election in which the person may be called to take part, if the person is  
372 nominated for or elected to such office;

373 (7) Any person who, directly or indirectly, individually or through  
374 another person, makes a payment or promise of payment to a  
375 campaign treasurer in a name other than the person's own, and any  
376 campaign treasurer who knowingly receives a payment or promise of  
377 payment, or enters or causes the same to be entered in the person's  
378 accounts in any other name than that of the person by whom such  
379 payment or promise of payment is made;

380 (8) Any person who knowingly and wilfully violates any provision  
381 of [this chapter] chapters 155 to 157, inclusive;

382 (9) Any person who offers or receives a cash contribution in excess  
383 of one hundred dollars to promote the success or defeat of any political  
384 party, candidate or referendum question;

385 (10) Any person who solicits, makes or receives a contribution,  
386 payment or organization expenditure that is otherwise prohibited by  
387 any provision of [this chapter] chapters 155 to 157, inclusive, or any  
388 regulation adopted pursuant to any said chapter;

389 (11) Any department head or deputy department head of a state

390 department who solicits a contribution on behalf of, or for the benefit  
391 of, any candidate for state, district or municipal office or any political  
392 party;

393 (12) Any municipal employee who solicits a contribution on behalf  
394 of, or for the benefit of, any candidate for state, district or municipal  
395 office, any political committee or any political party, from (A) an  
396 individual under the supervision of such employee, or (B) the spouse  
397 or a dependent child of such individual;

398 (13) Any person who makes a coordinated expenditure for a  
399 candidate without the knowledge of said candidate. No candidate  
400 shall be civilly or criminally liable with regard to any such coordinated  
401 expenditure;

402 (14) Any chief of staff of a legislative caucus who solicits a  
403 contribution on behalf of or for the benefit of any candidate for state,  
404 district or municipal office from an employee of the legislative caucus;

405 (15) Any chief of staff for a state-wide elected official who solicits a  
406 contribution on behalf of or for the benefit of any candidate for state,  
407 district or municipal office from a member of such official's staff; or

408 (16) Any chief of staff for the Governor or Lieutenant Governor who  
409 solicits a contribution on behalf of or for the benefit of any candidate  
410 for state, district or municipal office from a member of the staff of the  
411 Governor or Lieutenant Governor, or from any commissioner or  
412 deputy commissioner of any state agency.

413 Sec. 5. Section 9-623 of the 2010 supplement to the general statutes is  
414 repealed and the following is substituted in lieu thereof (*Effective from*  
415 *passage and applicable to elections held on and after said date*):

416 (a) Any person who knowingly and wilfully violates any provision  
417 of this chapter shall be fined not more than five thousand dollars or  
418 imprisoned not more than five years, or both. The [Secretary of the  
419 State or the] town clerk shall notify the State Elections Enforcement

420 Commission of any such violation of which [said secretary or] such  
421 town clerk may have knowledge. Any such fine for a violation of any  
422 provision of this chapter applying to the office of the Treasurer shall be  
423 deposited on a pro rata basis in any trust funds, as defined in section 3-  
424 13c, affected by such violation.

425 (b) (1) If any campaign treasurer fails to file any statement required  
426 by section 9-608, or if any candidate fails to file either (A) a statement  
427 for the formation of a candidate committee as required by section 9-  
428 604, [or] (B) a certification pursuant to section 9-603 that the candidate  
429 is exempt from forming a candidate committee as required by section  
430 9-604, or (C) an affidavit, in accordance with subsection (a) of section 9-  
431 703, that includes a written certification indicating whether or not the  
432 candidate intends to abide by the expenditure limits under the  
433 Citizens' Election Program that are described in subsection (c) of  
434 section 9-702, within the time required, the campaign treasurer or  
435 candidate, as the case may be, shall pay a late filing fee of one hundred  
436 dollars.

437 (2) In the case of any such statement or certification that is required  
438 to be filed with the State Elections Enforcement Commission, the  
439 commission shall, not later than ten days after the filing deadline is, or  
440 should be, known to have passed, notify by certified mail, return  
441 receipt requested, the person required to file that, if such statement or  
442 certification is not filed not later than twenty-one days after such  
443 notice, the person is in violation of section 9-603, 9-604 or 9-608.

444 (3) In the case of any such statement or certification that is required  
445 to be filed with a town clerk, the town clerk shall forthwith after the  
446 filing deadline is, or should be, known to have passed, notify by  
447 certified mail, return receipt requested, the person required to file that,  
448 if such statement or certification is not filed not later than seven days  
449 after the town clerk mails such notice, the town clerk shall notify the  
450 State Elections Enforcement Commission that the person is in violation  
451 of section 9-603, 9-604 or 9-608.

452 (4) The penalty for any violation of section 9-603, 9-604 or 9-608 shall  
453 be a fine of not less than two hundred dollars or more than two  
454 thousand dollars or imprisonment for not more than one year, or both.

455 Sec. 6. Section 9-675 of the general statutes is repealed and the  
456 following is substituted in lieu thereof (*Effective from passage*):

457 (a) The State Elections Enforcement Commission shall (1) create a  
458 [software] web-based program or programs for the preparation and  
459 electronic submission of financial disclosure statements required by  
460 section 9-608, and (2) prescribe the standard reporting format and  
461 specifications for other [software] programs created by vendors for  
462 such purpose. No [software] such program created by a vendor may  
463 be used for the electronic submission of such financial disclosure  
464 statements, until the commission determines that the program  
465 provides for the standard reporting format, and complies with the  
466 specifications, which are prescribed under subdivision (2) of this  
467 subsection for vendor [software] programs. The commission shall  
468 provide training in the use of [the software program or programs] any  
469 such program created by the commission.

470 (b) [The] On and after April 1, 2010, (1) the campaign treasurer of  
471 the candidate committee or exploratory committee for each candidate  
472 for nomination or election to the office of Governor, Lieutenant  
473 Governor, Attorney General, State Comptroller, State Treasurer, [or]  
474 Secretary of the State, state senator, state representative or judge of  
475 probate who raises or spends [two hundred fifty] five thousand dollars  
476 or more, [during an election campaign] (2) the campaign treasurer of  
477 any state central committee, legislative caucus committee or legislative  
478 leadership committee, (3) the campaign treasurer of any town  
479 committee or any political committee registered with the commission  
480 that (A) raises or spends five thousand dollars or more during the  
481 current calendar year, or (B) raised or spent five thousand dollars or  
482 more in the preceding regular election, and (4) any individual, or the  
483 campaign treasurer of any committee, that makes or obligates to make



484 an independent expenditure or expenditures and that is required to  
485 file a report of such independent expenditure or expenditures in  
486 accordance with the provisions of subdivision (2) of subsection (e) of  
487 section 9-612 shall file [in electronic form] all financial disclosure  
488 statements required by section 9-608 by [either transmitting disks,  
489 tapes or other electronic storage media containing the contents of such  
490 statements to the State Elections Enforcement Commission or  
491 transmitting the statements on-line to said commission. Each such  
492 campaign treasurer shall use either (1) a software program created by  
493 the commission under subdivision (1) of subsection (a) of this section,  
494 for all such statements, or (2) another software program which  
495 provides for the standard reporting format, and complies with the  
496 specifications, which are prescribed by the commission under  
497 subdivision (2) of subsection (a) of this section, for all such statements.  
498 The commission shall accept any statement that uses any such  
499 software program. Once any such candidate committee has raised or  
500 spent two hundred fifty thousand dollars or more during an election  
501 campaign, all previously filed statements required by said section 9-  
502 608, which were not filed in electronic form shall be refiled in such  
503 form, using such a software program, not later than the date on which  
504 the campaign treasurer of the committee is required to file the next  
505 regular statement under said section 9-608] electronic submission  
506 pursuant to subsection (a) of this section.

507 (c) (1) The campaign treasurer of the candidate committee for any  
508 other candidate, as defined in section 9-601, who is required to file the  
509 financial disclosure statements required by section 9-608 with the  
510 commission but who has not reached the threshold set forth in  
511 subdivision (1) of subsection (b) of this section for required electronic  
512 submission, and (2) the campaign treasurer of any political committee  
513 or party committee, may file [in electronic form] any financial  
514 disclosure statements required by said section 9-608 by electronic  
515 submission pursuant to subsection (a) of this section. [Such filings may  
516 be made by either transmitting disks, tapes or other electronic storage  
517 media containing the contents of such statements to the proper

518 authority under section 9-603 or transmitting the statements on-line to  
519 such proper authority. Each such campaign treasurer shall use either  
520 (A) a software program created by the commission under subdivision  
521 (1) of subsection (a) of this section, for all such statements filed in  
522 electronic form, or (B) another software program which provides for  
523 the standard reporting format, and complies with the specifications,  
524 which are prescribed by the commission under subdivision (2) of  
525 subsection (a) of this section, for all such statements filed in electronic  
526 form. The proper authority under section 9-603 shall accept any  
527 statement that uses any such software program.]

528 Sec. 7. Subsection (c) of section 9-706 of the general statutes is  
529 repealed and the following is substituted in lieu thereof (*Effective from*  
530 *passage and applicable to primaries and elections held on or after said date*):

531 (c) The application shall be accompanied by a cumulative itemized  
532 accounting of all funds received, expenditures made and expenses  
533 incurred but not yet paid by the candidate committee as of three days  
534 [before the applicable application deadline contained in subsection (g)  
535 of this section] preceding the day the application is filed. Such  
536 accounting shall be sworn to under penalty of false statement by the  
537 campaign treasurer of the candidate committee. The commission shall  
538 prescribe the form of the application and the cumulative itemized  
539 accounting. The form for such accounting shall conform to the  
540 requirements of section 9-608. Both the candidate and the campaign  
541 treasurer of the candidate committee shall sign the application.

542 Sec. 8. Subsection (g) of section 9-706 of the general statutes is  
543 repealed and the following is substituted in lieu thereof (*Effective from*  
544 *passage and applicable to primaries and elections held on or after said date*):

545 (g) (1) Any application submitted pursuant to this section for a  
546 primary or general election shall be submitted in accordance with the  
547 following schedule: (A) By five o'clock p.m. on the third Thursday in  
548 May of the year that the primary or election will be held at which such  
549 participating candidate will seek nomination or election, or (B) by five

550 o'clock p.m. on any subsequent Thursday of such year, provided no  
551 application shall be accepted by the commission after five o'clock p.m.  
552 on or after the fourth to last Friday prior to the primary or election at  
553 which such participating candidate will seek nomination or election.  
554 Not later than four business days following any such Thursday or  
555 Friday, as applicable, for participating candidates seeking nomination  
556 or election to the office of state senator or state representative or, ten  
557 business days following any such Thursday or Friday, as applicable,  
558 for participating candidates seeking nomination or election to the  
559 office of Governor, Lieutenant Governor, Attorney General, State  
560 Comptroller, State Treasurer or Secretary of the State or, in the event of  
561 a national, regional or local emergency or local natural disaster, as  
562 soon thereafter as is practicable, the commission shall review any  
563 application received by such Thursday or Friday, in accordance with  
564 the provisions of subsection (d) of this section, and determine whether  
565 such application shall be approved or disapproved. For any such  
566 application that is approved, any disbursement of funds shall be made  
567 not later than twelve business days prior to any such primary or  
568 general election. From the third week of June in even-numbered years  
569 until the third week in July, the commission shall meet twice weekly to  
570 determine whether or not to approve applications for grants if there  
571 are pending grant applications.

572 (2) Notwithstanding the provisions of subdivision (1) of this  
573 subsection, no application for a special election shall be accepted by  
574 the commission after five o'clock p.m. on or after ten business days  
575 prior to the special election at which such participating candidate will  
576 seek election. Not later than three business days following such  
577 deadline, or, in the event of a national, regional or local emergency or  
578 local natural disaster, as soon thereafter as practicable, the commission  
579 shall review any such application received by such deadline, in  
580 accordance with the provisions of subsection (d) of this section, and  
581 determine whether such application shall be approved or disapproved.  
582 For any such application that is approved, any disbursement of funds  
583 shall be made not later than seven business days prior to any such

584 special election.

585 (3) The commission shall publish such application review schedules  
586 and meeting schedules on the commission's web site and with the  
587 Secretary of the State.

588 Sec. 9. Subsection (j) of section 9-705 of the general statutes is  
589 repealed and the following is substituted in lieu thereof (*Effective from*  
590 *passage and applicable to primaries and elections held on or after said date*):

591 (j) Notwithstanding the provisions of subsections (a) to (i), inclusive,  
592 of this section:

593 (1) The initial grant that a qualified candidate committee for a  
594 candidate is eligible to receive under subsections (a) to (i), inclusive, of  
595 this section shall be reduced by the amount of any personal funds that  
596 the candidate provides for the candidate's campaign for nomination or  
597 election pursuant to subsection (c) of section 9-710;

598 (2) If a participating candidate is nominated at a primary and does  
599 not expend the entire grant for the primary campaign authorized  
600 under subsection (a), (b), (e) or (f) of this section or all moneys that  
601 may be received for the primary campaign under section 9-713 or 9-  
602 714, the amount of the grant for the general election campaign shall be  
603 reduced by the total amount of any such unexpended primary  
604 campaign grant and moneys;

605 (3) If a participating candidate who is nominated for election does  
606 not have any opponent in the general election campaign, the amount  
607 of the general election campaign grant for which the qualified  
608 candidate committee for said candidate shall be eligible shall be thirty  
609 per cent of the applicable amount set forth in subsections (a) to (i),  
610 inclusive, of this section. For purposes of this subdivision, a  
611 participating candidate shall be deemed to have an opponent if (A) a  
612 major party has properly endorsed any other candidate and made the  
613 requisite filing with the Secretary of the State within the time specified

614 in section 9-391 or 9-400, as applicable, (B) any candidate of any other  
 615 major party has received not less than fifteen per cent of the vote of  
 616 convention delegates and has complied with the filing requirements  
 617 set forth in section 9-400, or (C) any candidate of any other major party  
 618 has circulated a petition and obtained the required number of  
 619 signatures for filing a candidacy for nomination and has either  
 620 qualified for the primary or has been deemed the party's nominee; and

621 (4) If the only opponent or opponents of a participating candidate  
 622 who is nominated for election to an office are eligible minor party  
 623 candidates or eligible petitioning party candidates and no such eligible  
 624 minor party candidate's or eligible petitioning party candidate's  
 625 candidate committee has received a total amount of contributions of  
 626 any type that is equal to or greater than the amount of the qualifying  
 627 contributions that a candidate for such office is required to receive  
 628 under section 9-704 to be eligible for grants from the Citizens' Election  
 629 Fund, the amount of the general election campaign grant for such  
 630 participating candidate shall be sixty per cent of the applicable amount  
 631 set forth in this section.

632 Sec. 10. Section 9-717 of the general statutes is repealed. (*Effective*  
 633 *from passage*)

|   |  |          |
|---|--|----------|
| This act shall take effect as follows and shall amend the following sections: |  |          |
| Section 1   | <i>July 1, 2010</i>  | 9-7b(a)  |
| Sec. 2  | <i>July 1, 2010</i>  | 9-236b   |
| Sec. 3  | <i>July 1, 2010</i>  | 9-247    |
| Sec. 4  | <i>July 1, 2010</i>  | 9-622    |
| Sec. 5  | <i>from passage and applicable to elections held on and after said date</i>              | 9-623    |
| Sec. 6  | <i>from passage</i>  | 9-675    |
| Sec. 7  | <i>from passage and applicable to primaries and elections held on or after said date</i> | 9-706(c) |

|         |  |                  |
|---------|--|------------------|
| Sec. 8  | <i>from passage and applicable to primaries and elections held on or after said date</i> | 9-706(g)         |
| Sec. 9  | <i>from passage and applicable to primaries and elections held on or after said date</i> | 9-705(j)         |
| Sec. 10 | <i>from passage</i>  | Repealer section |

***Statement of Purpose:***

To augment the powers of the State Elections Enforcement Commission, to make violation of the "Voter's Bill of Rights" subject to penalty, to provide monetary fines for the failure to file a candidate intent affidavit under the Citizens' Election Program, to eliminate an obsolete reference to the lever voting machines and to require that any voting system used in an election be operational at the time the polls open, to lower the threshold for electronic filings to the State Elections Enforcement Commission and to remove references to certain software programs and replace them with references to the web-based program, to extend the State Elections Enforcement Commission review period for grant applications for candidates for state-wide offices, to provide that a participating candidate facing an opponent on the statutory deadline for nomination shall be deemed opposed for the election campaign and to repeal section 9-717.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*